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November 28, 2005

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re:       András BERTHA  
          U.S. Patent Application No. 10/501,438   Filed: July 13, 2004  
          Attorney Docket No.: BERTHA-4        Conf. No. 9435  
          "METHOD FOR OBTAINING AN ANTI-TUMOR SUBSTANCE FROM  
          EVEN-TOE HOOFED MAMMALS"

SIR:

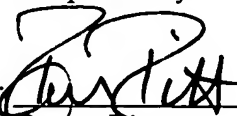
We enclose herewith:

- ☒ Election;  
☒ Acknowledgment Postcard.

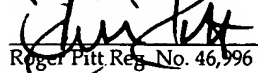
The Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to **Deposit Account No. 080570**.

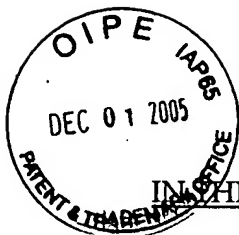
The applicants hereby petition under 37 CFR 1.136 or other applicable rule to have the response period extended the number of months necessary to render the attached communication timely if a petition is required.

Respectfully submitted,

By:   
      Roger Pitt  
      Reg. No. 46,996

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 28, 2005.

  
Roger Pitt Reg. No. 46,996



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of :  
Applicant: Andras BERTHA : Attorney Docket No. BERTHA-4  
 :  
 :  
Application No. 10/501,438 : GAU: 1653  
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 :  
Filed: July 13, 2004 : Examiner: Rosanne KOSSON  
 :  
 :  
For: "METHOD FOR OBTAINING AN : Conf. No. 9435  
ANTI-TUMOR SUBSTANCE FROM :  
EVEN-TOE HOOVED MAMMALS" :  
-----X

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ELECTION

SIR:

In response to the Office action dated October 26, 2005, applicant hereby elects the invention of Group II, which is claimed in Claims 3-5, *with traversal*.

Traversal of the restriction requirement is on the ground that the invention concepts are not distinct to the extent required to support restriction. Contrary to the Office's generalized allegations, Claims 1 and 2 are based on a similar inventive concept to that of Claims 3-5. Both groups of claims relate to the obtaining of anti-tumor substances from a gestating or lactating even-toed mammal having leucosis. Specifically both claim groups relate to those phases of gestation and lactation where the immune system is particularly strong and concentrations of immune cell components are at high levels both in the blood and in the colostrum.

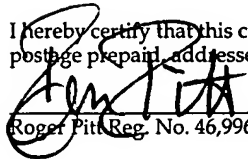
Reconsideration and withdrawal of the restriction requirement and allowance of the application are respectfully requested.

The application is now believed to be in condition for examination on the merits. Early and favorable examination is earnestly solicited. If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, she is invited to call the telephone number below for an interview.

Respectfully submitted,

By:   
Roger Pitt Reg. No. 46,996

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